

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

VANESSA DAVIS, et al.,

Plaintiff,

Case No. 16-cv-13205

Hon. Matthew F. Leitman

v.

SUNOCO PIPELINE LIMITED PARTNERSHIP, et al.

Defendants.

**ORDER REQUIRING PLAINTIFFS TO RESPOND TO DEFENDANTS’
ARGUMENTS REGARDING JURISDICTION (ECF # 8)**

On May 20, 2016, Vanessa Davis and fourteen other individual plaintiffs (the “Plaintiffs”) filed this action in St. Clair County Circuit Court against Sunoco Pipeline Limited Partnership, Sunoco Logistics Partners Operations GP LLC (together the “Sunoco Defendants”) and three other co-defendants. (*See* ECF #1 at 11, Pg. ID 11.) Plaintiffs only assert two state law claims: nuisance and negligent nuisance. (*Id* at 15-18.)

On September 6, 2016, the Sunoco Defendants filed a Notice of Removal in this Court. In the Notice of Removal, the Sunoco Defendants assert that federal question jurisdiction exists pursuant to 28 U.S.C. §1331 and that removal is appropriate pursuant to 29 U.S.C. §1446. (*Id* at 4.) The Sunoco Defendants assert that this Court has federal question jurisdiction over this action on the ground that

the federal Pipeline Safety Act (“PSA”), 49 U.S.C. §16101 *et seq.*, completely preempts Plaintiffs’ state law claims. (*Id.*)

On September 9, 2016, the Court ordered the Sunoco Defendants to show cause why the Court has federal question jurisdiction in this action. Specifically, the Court asked the Sunoco Defendants to: “(1) set forth in substantially more detail how and why the PSA gives rise to “complete preemption” rather than “defensive” preemption; (2) address the complete preemption analysis in *Stutler v. Marathon Pipe Line Co.*, 998 F. Supp. 968 (S.D. Ind. 1998); and (3) cite all decisions known to them in which any federal court has ruled that it has federal question jurisdiction based upon complete preemption under the PSA.” (ECF #2 at 2, Pg. ID at 23.) On September 26, 2016, the Sunoco Defendants responded to this order with a detailed substantive memorandum in support of the Court’s federal question jurisdiction in this action (the “Sunoco Defendants’ Memorandum in Support of Jurisdiction”). (*See* ECF # 8.)

The Court believes that a response from Plaintiffs would assist the Court as it reviews the merits of the Sunoco Defendants’ arguments in support of the Court’s jurisdiction. Accordingly, **IT IS HEREBY ORDERED** that Plaintiffs shall file a comprehensive response to the Sunoco Defendants’ Memorandum in Support of Jurisdiction. The response shall address all of the arguments presented in the Sunoco

Defendants' Memorandum in Support of Jurisdiction. Plaintiffs shall file their response by no later than **October 19, 2016**.

IT IS SO ORDERED.

s/Matthew F. Leitman

MATTHEW F. LEITMAN

UNITED STATES DISTRICT JUDGE

Dated: September 27, 2016

I hereby certify that a copy of the foregoing document was served upon the parties and/or counsel of record on September 27, 2016, by electronic means and/or ordinary mail.

s/Holly A. Monda

Case Manager

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